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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,524	01/02/2004	Charles Cameron Brackett	CRNC.110413	8682
46169	7590	04/30/2007	EXAMINER	
SHOOK, HARDY & BACON L.L.P. Intellectual Property Department 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			TIMBLIN, ROBERT M	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/749,524	BRACKETT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

This office action corresponds to application 10/749,524 filed 1/2/2004 and Applicant's response filed 4/20/2007.

Claims 1-28 have been examined and are pending prosecution.

### *Response to Amendment*

Claims 6 and 19 have been amended to correct minor typographical errors. Claims 1-28 remain pending

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-13, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Minyard et al. ('Minyard')(US 6,891,920 B1).

With respect to claim 1 and similar claims 8 and 28, Minyard teaches A computerized method for managing large studies (abstract) transferred from at least one acquisition device (102, 206) to a study process server (104) in order to transfer the studies to at least one review station (110), the computerized method comprising:

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'sorting each received study into at least one appropriate working set' as patient information is indexed and organized (col. 4 line 45-57, and col. 6 line 14-51).

prior to distributing the received studies to at least one review station (col. 4 line 50-55; tagged for later review),

'selecting at least one subset of the received studies from at least one working set' as tagging a subset of images (col. 4 line 45-57 and col. 12 line 48-54).

'distributing the at least one selected subset of studies to at least one review station' as physician recalls the tagged images for later review (col. 4 line 1-5 and 45-57).

Claims 8 and 28 contain essentially the same subject matter and therefore the rejection of claim 1 applies equally well.

With respect to claim 2, and similar claim 9, Minyard teaches 'distributing the selected subset of studies to each review station' (figure 1, elements 104 and 110). This rejection is equally applicable to claim 9.

With respect to claim 3, and similar claim 10, Minyard teaches 'a predictive algorithm' (col. 3 line 50-col.4 line 6, col. 7 line 5-12, and col. 8 line 8-29). This rejection is equally applicable to claim 10.

With respect to claim 4, and similar claim 11, Minyard teaches 'continuously monitoring a review station to determine if a distributed study has been completed and removing the study from an associated working set after the study has been completed' as monitoring acquisition and

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review processes (col. 8 line 25-27 and col. 14 line 35-39). This rejection is equally applicable to claim 11.

With respect to claim 5 and similar claim 12, Minyard teaches ‘deleting the completed study from some or all review stations’ as removing entire workflow (col. 14 lines 28-41). This rejection is equally applicable to claims 12.

With respect to claim 6 and similar claim 13, Minyard teaches monitoring each review station for selected user activities and populating each monitored review station with studies from one or more relevant working sets upon detecting one of the selected user activities (monitoring in col. 8 line 25-30, and importing of col. 14 line 65- col. 15 line 10). This rejection is equally applicable to claim 13.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minyard as applied to claims 1-6, 8-13, and 28 above in view of Fuller (US 2005/0050552 A1).

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With respect to claims 7 and 14, Minyard fails to teach monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold.

Fuller, however, teaches this limitation as checking the amount of data in a data queue, and if the amount is lower than a pre-selected threshold; the queue is populated with new data (0019 and figure 3) to ensure requested data are available for immediate delivery.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Fuller's system would have provided Minyard's invention with enhancing the likelihood that the requested data are available for immediate delivery (Fuller, 0004). Minyard could have used such a method to further reduce workflow delay (Minyard, abstract).

Claim 14 contains essentially the same subject matter as claim 7 and therefore the rejection of claim 7 applies equally well to claim 14.

Claims 15-20 and 22-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Minyard in view of Rothschild et al. ('Rothschild') (US 2002/0016718 A1).

With respect to claims 15 and 27, the limitations of these claims are rejected for the same reasons as set forth above in claims 1, 8, and 28 by Minyard.

Unfortunately, Minyard fails to teach the limitation of monitoring each selected review station for a login.

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Rothschild, however, teaches monitoring each selected review station for a login as a remote workstation polling for data upon the occurrence of a predetermined triggering event (i.e. a log in event) for detecting a log in (0085-0086).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard's invention to detect a log in. As only authorized users may use Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard).

Claim 27 contains essentially the same subject matter (i.e. detecting a login) and therefore the rejection of claim 15 applies equally well to this claim.

With respect to claim 16, Minyard teaches the method of claim 15, further comprising selected all review stations distributing the selected subset of studies to all review stations (figure 1, elements 104 and 110).

With respect to claim 17, Minyard teaches the method of claim 15, further comprising implementing a predictive algorithm to identify a set of review stations and distributing the selected subset of studies to the identified review stations (col. 3 line 50-col.4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

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With respect to claim 18, Minyard teaches the method of claim 15, further comprising continuously monitoring the populated review stations to determine if a distributed study has been completed (col. 8 line 25-27 and col. 14 line 35-39).

With respect to claim 19, Minyard teaches the method of claim 18, further comprising and deleting the study from the populated review stations after the study has been completed (col. 14 lines 28-41).

With respect to claim 20, the combination of Minyard and Fuller fail to teach monitoring each review station for a login and populating each monitored review station with studies from a relevant working set upon detecting the login.

Rothschild, however, teaches monitoring each review station for a login and populating each monitored review station with studies from a relevant working set upon detecting the login (0085-0086) for detecting a log in and polling for data.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard/Fuller's invention to detect a log in. As only authorized users may use Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard).

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With respect to claim 22, Minyard teaches a system for managing studies transferred from at least one acquisition device to a study process server in order to transfer the studies to at least one review station, the system comprising:

a study distribution module for transferring a selected subset of the studies to at least one review station (col. 3 line 55-67); and

Minyard fails to teach a study control module for monitoring each review station for a login, wherein the study distribution module populates the review station with studies from at least one relevant working set upon detection of the login by the study control module.

Rothschild, however, teaches a study control module for monitoring each review station for a login, wherein the study distribution module populates the review station with studies from at least one relevant working set upon detection of the login by the study control module as a remote workstation polling for data upon the occurrence of a predetermined triggering event (i.e. a log in event) for detecting a log in (0085-0086).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Rothschild would have allowed Minyard's invention to detect a log in, and upon occurrence of the log in, transfer study information. As only authorized users may use Minyard's system (col. 15 line 5-10, Minyard), Rothschild's method to detect a log in would have been beneficial for monitoring acquisition and review processes in a review session for a physician (col. 3 line 55-60, Minyard).

With respect to claim 23, Minyard teaches the system of claim 22, wherein the study control module further comprises controls for selecting all review stations and the study

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distribution module distributes the selected subset of studies to all review stations (figure 1, elements 104 and 110).

With respect to claim 24, Minyard teaches the system of claim 22, further comprising a predictive algorithm for identifying a set of review stations, such that the study distribution model distributes the selected subset of studies to the identified review stations (col. 3 line 50-col.4 line 6, col. 7 line 5-12, and col. 8 line 8-29).

With respect to claim 25, Minyard teaches the system of claim 22, wherein the study control module further comprises controls for continuously monitoring the populated review stations to determine if a distributed study has been completed (col. 8 line 25-27 and col. 14 line 35-39).

With respect to claim 26, Minyard teaches the system of claim 25, wherein the study control module further comprises controls for deleting the study from the populated review stations after the study has been completed (col. 14 lines 28-41).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minyard as applied to claims 1-6, 8-13, and 28 above, in view of Minyard and Rothschild as applied to claims 15-20 and 22-27 above and further in view of Fuller.

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With respect to claim 21, the combination of Minyard and Rothschild fail to expressly teach monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold.

Fuller, however, teaches monitoring each review station for a low buffer threshold and re-populating any review station reaching the low buffer threshold as checking the amount of data in a data queue, and if the amount is lower than a pre-selected threshold, the queue is populated with new data (0019 and figure 3) to ensure requested data are available for immediate delivery.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Fuller's system would have provided Minyard's invention with enhancing the likelihood that the requested data are available for immediate delivery (Fuller, 0004). Minyard could have used such a method to further reduce workflow delay (Minyard; abstract).

### *Response to Arguments*

Applicant's arguments filed 4/20/2007 with respect to at least claim 1 regarding Minyard failing to teach prior to distributing the received studies to at least one review station, selecting at least one subset of the received studies from at least one working set (page 11 of response) have been fully considered but they are not persuasive. The Examiner maintains the rejection for reasons described in the office action of 2/22/2007 and cited in the rejection above.

Such reasoning is provided below:

The Examiner submits that a physician tags (i.e. selects) a subset of images from a large number of images for later review (col. 4 line 50-58). Minyard's description of tagging a subset

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of images is the same as selecting the presently claimed selecting at least one subset that forms a working set (e.g. for later review).

With the idea that this subset of images is tagged for later review, it can easily be construed that this is a step that constitutes a *prior* action to distributing the subset to a review station. In other words when the subset is subsequently reviewed (i.e. a later review), it must have already been tagged and selected before it was received for later review. Furthermore a physician can readily recall the tagged images, which also suggests that the images must have been selected before being received at the at least one review station.

Applicant's arguments with respect to the traversal of the combination of Minyard and Fuller and Minyard, Rothschild and Fuller have been fully considered but they are not persuasive. The Examiner respectfully disagrees for reasons presented in the above Action and also given the following:

The Applicant disagrees with the motivation to combine the Minyard and Fuller references.

The Examiner respectfully traverses for the reasons stated in the rejection above. The Examiner further would like to indicate that the Minyard and Fuller reference are analogous and in the same field of endeavor as both are at least related to processing and delivering data in a network environment. Fuller states their goal for making data available for delivery to an application, and likewise, Minyard is also directed towards making information available (at col. 2 line 5-8). Furthermore, Fuller's teachings that enhance the likelihood of requested data being available for immediate delivery (Fuller at 0004 and abstract) would have given an advantage to

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Minyard's system that readily recalls data by a user (i.e. a physician). Minyard discloses a specific need for reducing workflow delay (abstract) so that rapid access can be achieved (summary).

The Applicant disagrees with the motivation to combine Rothschild with Minyard and Fuller.

The Examiner respectfully traverses for the reasons stated in the rejection above.

In the same field of endeavor, all three references are analogous for at least being associated with the intended goal to improved information retrieval by making data readily available. Rothschild's invention is directed towards securely managing the transmission and review of medical images. As such, if their method were to be combined with Minyard's and Fuller's, there would be a method to detect a triggering event (i.e. a login) that would poll for queued data from a central data management system to provide efficient image delivery (Rothschild at 0093). This method would further improve the desire to reduce workflow delay (Minyard, abstract).

Applicant's arguments with respect to claim 6 on page 16 of the response have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

The Examiner respectfully has addressed Applicant's arguments presented in the response filed 4/20/2007. Furthermore the above Action has clarified the previous rejection and accordingly is non-final.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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